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Attorneys for Plaintiffs
7

8
IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
9

IN RE META PIXEL TAX FILING CASES	CASE NO.: 5:22-cv-07557-PCP (VKD)
This document relates to:	**DECLARATION OF MICHAEL LISKOW IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANT'S DAUBERT MOTION TO STRIKE OR EXCLUDE THE OPINIONS OF PLAINTIFFS' EXPERT COLIN B. WEIR**
All Actions	The Honorable P. Casey Pitts

16
     I, MICHAEL LISKOW, declare as follows:

17
     1.   I am an attorney admitted to practice in this Court.

18
     2.   I am a member of the law firm of George Feldman McDonald, PLLC, who

19
along with the law firms Bursor & Fisher, P.A., Smith Krivoshey, P.C., The Hoda Law Firm,

20
PLLC, Lockridge Grindal Nauen PLLP, Foster Yarborough PLLC, and Emerson Firm, PLLC,

21
represent Plaintiffs in the above-captioned matter.

22
     3.   I have personal knowledge of the facts set forth herein and, if called as a

23
witness, could and would testify competently to them. I offer this declaration in support of

24
Plaintiffs' Opposition to Defendant's Daubert Motion to Strike or Exclude the Opinions of

25
Plaintiffs' Expert Colin B. Weir.

26
     4.   Attached as Exhibit 1 is a true and correct copy of excerpts of the October 2,

27
2025 deposition of Colin B. Weir taken in this action.

28

1   5.   I declare under penalty of perjury under the laws of the United States of

2   America that the foregoing is true and correct.

3   Executed on December 15, 2025.

4   */s/ Michael Liskow*

5   Michael Liskow

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DECLARATION OF MICHAEL LISKOW IN SUPPORT OF PLAINTIFFS'
OPPOSITION TO WEIR DAUBERT MOTION
CASE NO. 5:22-CV-07557-PCP

EXHIBIT 1

REDACTED

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

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6   *********************************

7   IN RE: META PIXEL TAX FILING CASES

8   THIS DOCUMENT RELATES TO:

9   ALL ACTIONS

10   MASTER FILE NO. 3:22-C-07557-PCP

11   *********************************

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14   VIDEOTAPED DEPOSITION OF:

15   COLIN B. WEIR

16   LATHAM & WATKINS LLP

17   200 Clarendon Avenue

18   Boston, Massachusetts

19   October 2, 2025   9:41 a.m.

20

21

22   Darlene M. Coppola

23   Registered Merit Reporter

24   Certified Realtime Reporter

                                        Page 1

1   APPEARANCES:

2   Representing the Plaintiff Class:

3   (Via Zoom)

4   BURSOR & FISHER PA

5   1990 North California Boulevard

6   Suite 940

7   Walnut Creek, CA 94596

8   BY: NEAL J. DECKANT, ESQUIRE

9   T 925.300.4455

10   E ndeckant@bursor.com

11

12   Representing the Defendant Meta:

13   GIBSON DUNN & CRUTCHER LLP

14   1900 Lawrence Street

15   Suite 3000

16   Denver, CO 80202

17   BY: NATALIE J. HAUSKNECHT, ESQUIRE

18   T 303.298.5700

19   E nhausknecht@gibsondunn.com

20

21   (Continued on next page)

22

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 1          APPEARANCES (Continued):

 2          Representing the Defendant Meta:

 3          (Via Zoom)

 4               GIBSON, DUNN & CRUTCHER LLP

 5               310 University Avenue

 6               Palo Alto, CA 94301

 7               BY:  MOLLY LORENTE SOROLLA, ESQUIRE

 8               T 650.849.5300

 9               msorolla@gibsondunn.com

10          -and-

11          (Via Zoom)

12               LATHAM & WATKINS LLP

13               505 Montgomery Street

14               Suite 2000

15               San Francisco, CA 94111

16               BY:  MARIA HURYN, ESQUIRE

17               T 415.391.0600

18               E mhuryn@lw.com

19

20

21

            Also Present:

22

            Bob Giannini, Videographer

23

24
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Page 3

HIGHLY CONFIDENTIAL

1   INDEX

2   EXAMINATION

3   Witness Name   Page

4   Colin B. Weir

5   Direct By Ms. Hausknecht 6

6

7   EXHIBITS

8   Exhibit   Description   Page

9   Exhibit 77   Expert Declaration of   29

                      Colin B. Weir

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     Exhibit 78   Weaver v. Champion   83

11   Petfoods Opinion

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Page 4

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1   P R O C E E D I N G

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3   (Commencing at 9:41 a.m.)

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5   THE VIDEOGRAPHER: Good morning.

6   We are on the record. This is the

7   videographer speaking, Bob Giannini. I am

8   with court reporter Darlene Coppola with

9   Veritext Legal Solutions. Today's date is

10   October 2, 2025, and the time is 9:41 a.m.

11   Eastern Time. We are here at Latham &

12   Watkins, located in Boston, Massachusetts, to

13   take the video deposition of Colin Weir in the

14   matter of In re: Meta Pixel Tax Filing Cases.

15   Will counsel please introduce

16   themselves for the record.

17   MS. HAUSKNECHT: Natalie

18   Hausknecht on behalf of Meta, from Gibson

19   Dunn & Crutcher, and I am here with Molly

20   Lorente Sorolla, also from Gibson Dunn &

21   Crutcher on behalf of Meta, and Maria Huryn

22   and Marissa Alter-Nelson from Latham & Watkins

23   also on behalf of Meta.

24   MR. DECKANT: Good morning.

Page 5

HIGHLY CONFIDENTIAL

1   Q.   Did you have any results from the

2   query of the data that was made available to

3   you?

4   A.   No.

5   Q.   How many data files did you perform

6   your analysis on?

7   A.   ████████████████████████████

8   ██████████████████████████████████████

9   were readable and searchable in the way that

10   would allow us to meet the two sets of

11   criteria that I set forth in the report.

12   Q.   How large were those data files?

13   A.   I don't know what criteria you would

14   use to gauge their size, but I feel

15   comfortable saying that they were voluminous.

16   Q.   Approximately how many entries did you

17   include in your analysis?

18   A.   Again, I don't have these numbers

19   memorized, but I believe there would have been

20   █████████████████████████████

21   combined total of the exemplars that I was

22   given.

23   Q.   Can you identify the specific Bates

24   numbers of the datasets that you analyzed?

Page 112

1   of the data, which is why I haven't reported

2   results at this time.

3   Q.   You say that you were -- you would be

4   able to tabulate your results.

5   What do you mean by "tabulate"?

6   A.   Again, that refers back to the

7   Paragraphs 10 and 12.

8   Q.   Can you describe what would be

9   tabulated here?

10   A.   Yes. There would be a table there for

11   ██

12   ██

13   ███

14   ██

15   ███

16   have been previously parsed to meet the

17   criteria stated in either Criteria 1,

18   Paragraph 9, or Criteria 2, Paragraph 11.

19   Q.   And you didn't include any actual

20   query that you would need to run in this

21   declaration, correct?

22   A.   That's correct. I gave the plain

23   language description so that a lay reader of

24   the report would be able to understand.

Page 125

1   Q.   Did you draft a query?

2   A.   I don't think so.

3   Q.   You use the term "parse" throughout

4   your report.

5   What do you mean by "parse"?

6   A.   Can you give me an example? Because

7   that may mean different things at different

8   places.

9   Like, Paragraph 16 again.

10   Q.   Yes, let's start there.

11   What does the use of "I was able to

12   parse the data pursuant to the two criteria

13   above and was able to tabulate the data in a

14   manner requested," what does "parse" mean in

15   this context?

16   A.   "Parse" means that, based on the CSV

17   files, I was able to import the data, that the

18   data was readable by the software, that, for

19   example, if I said, Show me records where the

20   ██

21   ███

22   that data would be processed and actually

23   returned records that matched.

24   Q.   And you're not offering an opinion on

Page 126

1   A.   I'm not offering an opinion about that

2   one way or the other.

3   Q.   You're not offering an opinion

4   interpreting the meaning of any of Meta's

5   data, correct?

6   A.   I think I might be able to do so, but

7   I'm not offering opinions about that. You can

8   see that in the four walls of the report.

9   Q.   In Paragraph 13 you state that you

10   used the data analytics program data to

11   perform your analysis of the preliminary data

12   production, correct?

13   A.   Yes.

14   Q.   Did you need to complete any

15   specialized training or certification to be

16   able to use Stata?

17   A.   It depends on how you intend that

18   question.

19   It's a commercially available program,

20   so anybody can pay the $2,000 license fee and

21   install the program on their computer.

22   I remember the first time that I used

23   the program. I had purchased it on an

24   emergency basis and had it shipped to a hotel

Page 129

1   A.   Yes. For example, when I was given

2   information about particular fields, I would

3   go and check that the data was in the format

4   that I would have expected, like the date

5   showing an appropriate date or containing

6   information that could be then told in the

7   program to display in the appropriate manner.

8   Or whether the, you know, particular

9   fields or the particular types of data that

10   were expected to be in the field were there.

11   Q.   You mentioned before that you didn't

12   look at every single entry in each of the

13   fields, correct?

14   A.   That I didn't look at that?

15   Q.   At every single entry in each of the

16   fields.

17   A.   Right. It's implausible for a human

18   to do that. I mean, I guess it's technically

19   possible, but with data that large, you have

20   to use the computer to analyze it.

21   Q.   And if you didn't run the results of

22   your analysis, how do you know that the data

23   was imported correctly in all of the entries

24   in the fields that you used?

Page 132

1   THE STENOGRAPHER: Mr. Deckant,

2   did you need a rough draft?

3   MR. DECKANT: I do not need a

4   rough. I would like to make a transcript

5   order.

6   Let me look at the case schedule here.

7   I think standard should be fine. Let's see.

8   Let's do a standard order, no rough. I also

9   do not need the video at this time, but in the

10   event this case goes to trial, then I would

11   like the video. So let's keep the videotape

12   for the time being.

13   MS. HAUSKNECHT: I'll do

14   expedited. The beginning to middle of next

15   week would be great, and a rough today. Thank

16   you.

17

18   (Deposition concluded at 12:55 p.m.)

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Page 149

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CERTIFICATION

1

2   I, DARLENE M. COPPOLA, a Notary Public, do hereby

3   certify that COLIN B. WEIR, after having

4   satisfactorily identifying himself, came before me on

5   the 2nd day of October, 2025, in Boston,

6   Massachusetts, and was by me duly sworn to testify to

7   the truth and nothing but the truth as to his

8   knowledge touching and concerning the matters in

9   controversy in this cause; that he was thereupon

10   examined upon his oath and said examination reduced to

11   writing by me; and that the statement is a true record

12   of the testimony given by the witness, to the best of

13   my knowledge and ability.

14   I further certify that I am not a relative or

15   employee of counsel/attorney for any of the parties,

16   nor a relative or employee of such parties, nor am I

17   financially interested in the outcome of the action.

18   WITNESS MY HAND THIS 7th day of October, 2025.

19

20

21   DARLENE M. COPPOLA   My commission expires:

22   NOTARY PUBLIC   November 2, 2029

23   REGISTERED MERIT REPORTER

24   CERTIFIED REALTIME REPORTER

Page 150

1   IN THE UNITED STATES DISTRICT COURT

2   FOR THE NORTHERN DISTRICT OF CALIFORNIA

3   SAN JOSE DIVISION

4

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6   *********************************

7   IN RE: META PIXEL TAX FILING CASES

8   THIS DOCUMENT RELATES TO:

9   ALL ACTIONS

10   MASTER FILE NO. 3:22-C-07557-PCP

11   *********************************

12

13

14   I, COLIN B. WEIR, say that I have read the

15   foregoing deposition and hereby declare under penalty

16   of perjury the foregoing is true

17   and correct: (as prepared) (as corrected on errata.)

18   Executed this _____ day of _____,

19   2025, at _____, _____.

20

21

22   _____

23   COLIN B. WEIR

24

HIGHLY CONFIDENTIAL

1   Neal Deckant

2   ndeckant@bursor.com

3   October 7, 2025

4   RE: In Re Meta Pixel Tax Filing Cases v.

5   10/2/2025, Colin Weir, (#7630433).

6   The above-referenced transcript has been

7   completed by Veritext Legal Solutions and

8   review of the transcript is being handled as follows:

9   __ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext

10   to schedule a time to review the original transcript at

11   a Veritext office.

12 __ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF

13   Transcript - The witness should review the transcript and

14   make any necessary corrections on the errata pages included

15   below, noting the page and line number of the corrections.

16   The witness should then sign and date the errata and penalty

17   of perjury pages and return the completed pages to all

18   appearing counsel within the period of time determined at

19   the deposition or provided by the Code of Civil Procedure.

20   Contact Veritext when the sealed original is required.

21 __ Waiving the CA Code of Civil Procedure per Stipulation of

22   Counsel - Original transcript to be released for signature

23   as determined at the deposition.

24 __ Signature Waived – Reading & Signature was waived at the

25   time of the deposition.

HIGHLY CONFIDENTIAL

1   _x_ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF

2   Transcript - The witness should review the transcript and

3   make any necessary corrections on the errata pages included

4   below, notating the page and line number of the corrections.

5   The witness should then sign and date the errata and penalty

6   of perjury pages and return the completed pages to all

7   appearing counsel within the period of time determined at

8   the deposition or provided by the Federal Rules.

9   __ Federal R&S Not Requested - Reading & Signature was not

10   requested before the completion of the deposition.

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Page 153

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 1   In Re Meta Pixel Tax Filing Cases v.

 2   Colin Weir (#7630433)

 3                 E R R A T A   S H E E T

 4   PAGE_____ LINE_____ CHANGE_____

 5   _____

 6   REASON_____

 7   PAGE_____ LINE_____ CHANGE_____

 8   _____

 9   REASON_____

10   PAGE_____ LINE_____ CHANGE_____

11   _____

12   REASON_____

13   PAGE_____ LINE_____ CHANGE_____

14   _____

15   REASON_____

16   PAGE_____ LINE_____ CHANGE_____

17   _____

18   REASON_____

19   PAGE_____ LINE_____ CHANGE_____

20   _____

21   REASON_____

22

23   _____    _____

24      (Colin Weir)                              Date

25
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Page 154